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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,239

08/22/2003

Stefan Bertil Ohlsson

2002B117/2

9391

23455 7590 01/28/2009
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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

01/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Acknowledgement of Applicant's Amendments

1. The amendment made in Claim 74 in the After Final Amendment filed January 14, 2009 has not been entered because the amendment raises a new issue. Claim 74, prior to amendment, was not directed to a polyethylene that is 'metallocene catalyzed' or a second layer having a thickness of 10 – 50 μm or a melt index 'of from 0.1 to 10 g/10 min or a Mw/Mn ratio 'from 3.2 to 5.85 or a film that is 'formed on a blown film extrusion line.' The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

ANSWERS TO APPLICANT'S ARGUMENTS

2. The 35 U.S.C. 103(a) rejection of Claims 56-137 as being unpatentable over Lue et al (U.S. Patent No. 6,255,426) in view of Miro (U.S. Patent No. 6,132,827) and Wong et al (U.S. Patent No. 6,358,457), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 4 of the remarks dated January 14, 2009, that in view of D. Abraham et al, Lue should disclose specifically that LDPE is absent to make out a prima facie case of obviousness.

However, because Lue et al does not specifically disclose the use of LDPE, it is clear that LDPE is absent from Lue et al; it may possibly be *obvious* to add LDPE to Lue et al, in view of D. Abraham et al.

Applicant also argues on page 5, that Miro discloses the use of LDPE in LLDPE.

However, Miro is cited only for the teaching that it is well – known in the art to provide for tackifiers in to a shrink film.

Applicant also argues on page 5 that Wong et al is directed to a polypropylene film.

However, Wong et al is not limited to polypropylene in the cited paragraph.

Applicant also argues on page 5 that the claimed tensile strength does not vary with LDPE content, and that the result is unexpected.

However, because LDPE is absent, the relevance of the result is unclear.

Applicant also argues on page 5 that absent LDPE, the claimed films are unexpectedly advantageous.

However, as stated above, because Lue et al does not specifically disclose the use of LDPE, it is clear that LDPE is absent from Lue et al.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1794